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GROUND WATER QUALITY BUREAU
DISCHARGE PERMIT
Issued under 20.6.2 NMAC

Facility Name:	Glorieta Camps 2.0
Discharge Permit Number:	DP-168
Facility Location:	11 State Road 50 Glorieta, NM 87508
County:	Santa Fe
Permittee:	Joshua Rogers, Senior Director of Guest Experience
Mailing Address:	Glorieta 2.0, Inc. P.O. Box 8 Glorieta, NM 87535
Facility Contact:	Chris Rivera, Water/Wastewater Manager
Telephone Number/Email:	(505) 757-6161/chris@glorieta.org
Permitting Action:	Renewal
Permit Effective Date:	DATE
Permit Expiration Date:	DATE
NMED Permit Contact:	Gerald Knutson, Environmental Scientist
Telephone Number/Email:	(505) 827-2996/gerald.knutson@state.nm.us

MICHELLE HUNTER
Chief, Ground Water Quality Bureau
New Mexico Environment Department

Date

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I. INTRODUCTION

The New Mexico Environment Department (NMED) issues this Discharge Permit Renewal (Discharge Permit), DP-168, to the Glorieta 2.0 Inc. (permittee) pursuant to the New Mexico Water Quality Act (WQA), NMSA 1978 §§74-6-1 through 74-6-17, and the New Mexico Water Quality Control Commission (WQCC) Ground and Surface Water Protection Regulations, 20.6.2 NMAC.

NMED's purpose in issuing this Discharge Permit, and in imposing the requirements and conditions specified herein, is to control the discharge of water contaminants from Glorieta Camps 2.0 (facility) in order to protect groundwater and those segments of surface water gaining from groundwater inflow for present and potential future use as domestic and agricultural water supply and other uses, and to protect public health. In issuing this Discharge Permit, NMED has determined that the requirements of Subsection C of 20.6.2.3109 NMAC have been met. Pursuant to Section 20.6.2.3104 NMAC, it is the responsibility of the permittee to comply with the terms and conditions of this Discharge Permit; failure to do so may result in enforcement action by NMED (20.6.2.1220 NMAC).

The activities that produce the discharge, the location of the discharge, and the quantity, quality, and flow characteristics of the discharge are briefly described as follows.

Up to 400,000 gallons per day (gpd) of domestic wastewater is received and treated using a wastewater treatment facility (WWTF). Treated wastewater is discharged to Glorieta Creek pursuant to a NPDES permit and or reused as reclaimed wastewater on the facility for landscape irrigation.

The discharge contains water contaminants that may be elevated above the standards of Section 20.6.2.3103 NMAC

The facility is located at 11 State Road 50, approximately 0.4 miles northeast of the Village of Glorieta, in Sections 21, 22, 27, and 28, Township 16N, Range 11E, Santa Fe County. Groundwater most likely to be affected is at a depth of approximately 15 feet and has a total dissolved solids concentration of approximately 420 milligrams per liter.

NMED issued the original Discharge Permit on April 30, 1981 and subsequently renewed it on March 13, 1986, renewed and modified it on April 5, 1991, modified it on September 17, 1993, renewed it on July 25, 1996, renewed and modified it on January 27, 2003, renewed it on April 29, 2008, and renewed and modified it on December 23, 2014. The application (i.e., discharge plan) consists of the materials submitted by the permittee dated December 20, 2019 and materials contained in the administrative record prior to issuance of this Discharge Permit. The permittee shall manage the discharge in accordance with all conditions and requirements of this Discharge Permit.

Pursuant to Section 20.6.2.3109 NMAC, NMED reserves the right to require a Discharge Permit Modification in the event NMED determines that the requirements of 20.6.2 NMAC are being or

may be violated or the standards of Section 20.6.2.3103 NMAC are being or may be violated. This may include an NMED determination that structural controls and/or management practices approved under this Discharge Permit need to be more stringent to protect groundwater quality. The permittee may be required to implement abatement of water pollution and remediate groundwater quality.

Issuance of this Discharge Permit does not relieve the permittee of the responsibility to comply with the WQA, WQCC Regulations, and any other applicable federal, state and/or local laws and regulations, such as zoning requirements and nuisance ordinances.

The following acronyms and abbreviations may be used in this Discharge Permit.

Abbreviation	Explanation		Abbreviation	Explanation
BOD_5	biochemical oxygen demand (5-day)		NMED	New Mexico Environment Department
CFR	Code of Federal Regulations		NMSA	New Mexico Statutes Annotated
CFU	Colony Forming Unit		NO_3-N	nitrate-nitrogen
Cl	chloride		NTU	nephelometric turbidity units
EPA	United States Environmental Protection Agency		TDS	total dissolved solids
gpd	gallons per day		TKN	total Kjeldahl nitrogen
LAA	land application area		total nitrogen	= TKN + NO_3-N
LADS	land application data sheet(s)		TRC	total residual chlorine
mg/L	milligrams per liter		TSS	total suspended solids
mL	milliliters		WQA	New Mexico Water Quality Act
MPN	Most Probable Number		WQCC	Water Quality Control Commission
NMAC	New Mexico Administrative Code		WWTF	Wastewater Treatment Facility

II. FINDINGS

In issuing this Discharge Permit, NMED finds the following.

1. The permittee is discharging effluent or leachate from the facility so that such effluent or leachate may move directly or indirectly into groundwater within the meaning of Section 20.6.2.3104 NMAC.

2. The permittee is discharging effluent or leachate from the facility so that such effluent or leachate may move into groundwater of the State of New Mexico that has an existing concentration of 10,000 mg/L or less of TDS within the meaning of Subsection A of 20.6.2.3101 NMAC.

3. The discharge from the facility is not subject to any of the exemptions of Section 20.6.2.3105 NMAC.

III. AUTHORIZATION TO DISCHARGE

Pursuant to 20.6.2.3104 NMAC, it is the responsibility of the permittee to ensure that discharges authorized by this Discharge Permit are consistent with the terms and conditions herein.

The permittee is authorized by this Discharge Permit to receive and treat up to 400,000 gpd of domestic wastewater using a WWTF. The permittee is authorized to discharge treated wastewater (reclaimed domestic wastewater) for re-use in accordance with this Discharge Permit as follows:

- for spray irrigation of two acres of landscaping at the WWTF; and
- for spray irrigation of landscape locations within the facility boundaries subject to NMED approval.

Under NPDES Permit NM0028088, the permittee is authorized to discharge treated wastewater to Glorieta Creek.

[20.6.2.3104 NMAC, Subsection C of 20.6.2.3106 NMAC, Subsection C of 20.6.2.3109 NMAC]

IV. CONDITIONS

NMED issues this Discharge Permit for the discharge of water contaminants subject to the following conditions.

A. OPERATIONAL PLAN

#	**Terms and Conditions**
1.	The permittee shall implement the following operational plan to ensure compliance with Title 20, Chapter 6, Parts 2 and 4 NMAC. [Subsection C of 20.6.2.3109 NMAC]
2.	The permittee shall operate in a manner such that standards and requirements of Sections 20.6.2.3101 and 20.6.2.3103 NMAC are not violated. [20.6.2.3101 NMAC, 20.6.2.3103 NMAC, Subsection C of 20.6.2.3109 NMAC]

Operational Actions with Implementation Deadlines

#	**Terms and Conditions**
3.	Prior to discharging from the facility to a proposed facility re-use location, the permittee shall submit to NMED for approval an up-to-date diagram with the following elements:

#	**Terms and Conditions**
	• All re-use locations, associated distribution pipelines, and means of measuring flow volume. Any element that cannot be directly shown due to its location inside of existing structures, or because it is buried without surface identification, shall be on the diagram in a schematic format and identified as such. [Subsection C of 20.6.2.3106 NMAC, Subsection A of 20.6.2.3107 NMAC]
4.	Prior to discharging reclaimed domestic wastewater to any approved facility re-use location, the permittee shall install the infrastructure necessary to transfer, distribute, and apply reclaimed domestic wastewater. Documentation confirming installation of the distribution system shall consist of a narrative statement including the system type and location, and the method of backflow prevention employed (if applicable). The permittee shall submit the documentation for NMED approval prior to discharging to the re-use location. [Subsection A of 20.6.2.3107 NMAC, Subsection C of 20.6.2.3109 NMAC]
5.	The permittee shall post signs in English and Spanish prior to discharging reclaimed domestic wastewater to an approved re-use location. The permittee shall post signs at the entrance to the re-use location and at other locations where public exposure to reclaimed domestic wastewater may occur. The signs shall state: **NOTICE: THIS AREA IS IRRIGATED WITH RECLAIMED WASTEWATER - DO NOT DRINK. AVISO: ESTA ÁREA ESTÁ REGADA CON AGUAS NEGRAS RECOBRADAS - NO TOMAR.** Alternate wording and/or graphics may be submitted to NMED for approval. Documentation of sign installation shall consist of a narrative statement describing the number and location of the signs and date-stamped photographs. The permittee shall submit the documentation to NMED in the next required periodic monitoring report. [Subsections B and C of 20.6.2.3109 NMAC, NMSA 1978, § 74-6-5.D]

Operating Conditions

#	**Terms and Conditions**
6.	Class 1B reclaimed domestic wastewater discharged after the ultraviolet disinfection unit shall not exceed the following discharge limits.

Test	30-day Average	Maximum
Total Nitrogen	**N/A**	**10 mg/L**

#	**Terms and Conditions**

E. coli bacteria	**63 CFU or MPN/100 mL**	**126 CFU or MPN/100 mL**
BOD_5	**30 mg/L**	**45 mg/L**
TSS:	**30 mg/L**	**45 mg/L**
UV Transmissivity	**Monitor Only**	**Monitor Only**

[Subsections B and C of 20.6.2.3109 NMAC, NMSA 1978, § 74-6-5.D]

7. The permittee shall apply reclaimed domestic wastewater evenly throughout *each* re-use location such that the amount of total nitrogen applied does not exceed 200 pounds per acre in any rolling 12-month period at *any* location. .

The permittee shall ensure the nitrogen content is not adjusted to account for volatilization or mineralization processes.

[Subsection C of 20.6.2.3109 NMAC]

8. The permittee shall meet the following general requirements for above-ground use of reclaimed domestic wastewater.

a) The permittee shall maintain signs in English and Spanish at all re-use areas such that they are visible and legible for the term of this Discharge Permit. The signs shall be posted at the entrance to re-use areas and at other locations where public exposure to reclaimed domestic wastewater may occur. The signs shall be worded as required at Condition 5.
b) The reclaimed domestic wastewater systems shall have no direct or indirect cross connections with public water systems or irrigation wells pursuant to the latest revision of the New Mexico Plumbing Code (14.8.2 NMAC) and New Mexico Mechanical Code (14.9.2 NMAC).
c) Above-ground use of reclaimed domestic wastewater shall not result in ponding of wastewater. The permittee shall not discharge reclaimed domestic wastewater at times when the re-use area is saturated or frozen.
d) The discharge of reclaimed domestic wastewater shall be confined to the re-use locations.
e) The discharge of reclaimed domestic wastewater to crops for human consumption is prohibited.
f) Water supply wells within 200 feet of a re-use area shall have adequate wellhead construction pursuant to 19.27.4 NMAC.
g) Piping, valves, outlets, and other plumbing fixtures shall be purple pursuant to the latest revision of the New Mexico Plumbing Code (14.8.2 NMAC) and New Mexico Mechanical Code (14.9.2 NMAC) to differentiate piping or fixtures used to convey reclaimed wastewater from those intended for potable or other uses.
h) Valves, outlets, and sprinkler heads used in reclaimed wastewater systems shall be accessible only to authorized personnel.

#	**Terms and Conditions**
	[Subsections B and C of 20.6.2.3109 NMAC, NMSA 1978, § 74-6-5.D]
9.	The permittee shall meet the following setbacks, access restrictions, and equipment requirements for spray irrigation using Class 1B reclaimed domestic wastewater. a) Maintenance of a minimum 100-foot setback between any dwellings or occupied establishments and the edge of each re-use location. b) No irrigation using reclaimed domestic wastewater at times when windy conditions may result in drift of reclaimed wastewater outside the re-use location(s). c) Application of reclaimed domestic wastewater at times and in a manner that minimizes public contact. d) Requirement for low trajectory spray irrigation nozzle systems. [Subsections B and C of 20.6.2.3109 NMAC, NMSA 1978, § 74-6-5.D]
10.	The permittee shall institute a backflow prevention method to protect wells and public water supply systems from contamination by reclaimed domestic wastewater prior to discharging to the re-use area. Backflow prevention shall be achieved by a total disconnect (physical air gap separation between the discharge pipe and the liquid surface at least twice the diameter of the discharge pipe), or by a reduced pressure principal backflow prevention assembly (RP) installed on the line between the fresh water supply wells or public water supply and the reclaimed domestic wastewater delivery system. The permittee must maintain backflow prevention at all times. RP devices shall be inspected and tested by a certified backflow prevention assembly tester at the time of installation, repair or relocation and at least on an annual basis thereafter. The backflow prevention assembly tester shall have successfully completed a 40-hour backflow prevention course based on the University of Southern California's Backflow Prevention Standards and Test Procedures, and obtained certification demonstrating completion. A malfunctioning RP device shall be repaired or replaced within 30 days of discovery and use of all supply lines associated with the RP device shall cease until repair or replacement has been completed. Copies of the inspection, maintenance records, and test results for each RP device associated with the backflow prevention program shall be maintained at a location available for inspection by NMED. [Subsection C of 20.6.2.3109 NMAC]
11.	The permittee shall maintain fences around the WWTF to control access by the general public and animals. The fences shall consist of a minimum of six-foot high chain link or field fencing and locking gates. The permittee shall maintain the fences throughout the term of this Discharge Permit. [Subsections B and C of 20.6.2.3109 NMAC, NMSA 1978, § 74-6-5.D]
12.	The permittee shall maintain signs indicating that the wastewater at the facility is not potable. The permittee shall post signs at the facility entrance and other areas where there

#	Terms and Conditions
	is potential for public contact with wastewater. All signs shall be printed in English and Spanish and shall remain visible and legible for the term of this Discharge Permit. [Subsections B and C of 20.6.2.3109 NMAC, NMSA 1978, § 74-6-5.D]
13.	The permittee shall properly manage all solids generated by the treatment system to maintain effective operation by removing solids as necessary in accordance with accepted process control methods. Solids removed from the treatment process shall be contained, transported, and disposed of in accordance with all local, state, and federal regulations. The permittee shall maintain records of solids disposal and make them available to NMED upon request. [Subsection A of 20.6.2.3107 NMAC, Subsection C of 20.6.2.3109 NMAC]
14.	The permittee shall inspect the lift station(s) and clean as needed to prevent pump failure. The permittee shall maintain a record of lift station inspections, repairs, and cleanings and make them available to NMED upon request. [Subsection A of 20.6.2.3107 NMAC, Subsection C of 20.6.2.3109 NMAC]
15.	The permittee shall utilize operators, certified by the State of New Mexico at the appropriate level pursuant to 20.7.4 NMAC, to operate the wastewater collection, treatment, and disposal systems. The operations and maintenance of all or any part of the wastewater system shall be performed by, or under the direct supervision of, a certified operator. If at any time, the permittee no longer has a certified operator maintaining the system, the permittee shall notify the NMED within 24 hours. [Subsection C of 20.6.2.3109 NMAC, 20.7.4 NMAC]

B. MONITORING AND REPORTING

#	Terms and Conditions
16.	The permittee shall conduct the following monitoring, reporting, and other requirements listed below in accordance with the monitoring requirements of this Discharge Permit. [Subsection A of 20.6.2.3107 NMAC, Subsection C of 20.6.2.3109 NMAC]
17.	METHODOLOGY – Unless otherwise specified by this Discharge Permit, or approved in writing by NMED, the permittee shall use sampling and analytical techniques that conform with the references listed in Subsection B of 20.6.2.3107 NMAC. [Subsection B of 20.6.2.3107 NMAC]

#	Terms and Conditions
18.	The permittee shall perform quarterly monitoring during the following periods and shall submit reports to NMED as follows: • January 1st through March 31st – **due by May 1st;** • April 1st through June 30th – **due by August 1st;** • July 1st through September 30th – **due by November 1st; and** • October 1st through December 31st – **due by February 1st.** [Subsection A of 20.6.2.3107 NMAC]

Monitoring Actions with Implementation Deadlines

#	Terms and Conditions
19.	Prior to discharging reclaimed domestic wastewater to a NMED-approved re-use location(s), the permittee shall install the following flow meters. • One totalizing flow meter installed on the transfer line from the WWTF to *each* NMED approved re-use location to measure the volume of reclaimed domestic wastewater to the re-use location(s). The permittee shall submit confirmation of meter installation, type, calibration, and location to NMED prior to the initial discharge of reclaimed domestic wastewater to each approved re-use location. [Subsection A of 20.6.2.3107 NMAC, Subsection C of 20.6.2.3109 NMAC]

Groundwater Monitoring Conditions

#	Terms and Conditions
20.	The permittee shall perform quarterly groundwater sampling in the following monitoring wells and analyze the samples for total Kjeldahl nitrogen (TKN), nitrate-nitrogen (NO_3-N), total dissolved solids (TDS), and chloride (Cl). a) MW-1, intended to be located hydrologically upgradient of the WWTF (northwest of the WWTF). b) MW-2, intended to be located hydrologically downgradient of the WWTF (southeast of the WWTF). c) MW-3, intended to be located hydrologically side-gradient of the closed storage impoundments. The permittee shall conduct groundwater sample collection, preservation, transport, and analysis according to the following procedure.

#	**Terms and Conditions**
	a) Measure the depth-to-most-shallow groundwater from the top of the well casing to the nearest hundredth of a foot. b) Purge three well volumes of water from the well prior to sample collection. c) Obtain samples from the well for analysis. d) Properly prepare, preserve, and transport samples. e) Analyze samples in accordance with the methods authorized in this Discharge Permit. Depth-to-most-shallow groundwater measurements, analytical results, including the laboratory QA/QC summary report, and a facility layout map showing the location and number of each well shall be submitted to NMED in the quarterly monitoring reports. [Subsection A of 20.6.2.3107 NMAC]
21.	The permittee shall develop a groundwater elevation contour map on a quarterly basis using the top of casing elevation data from the monitoring well survey and quarterly depth-to-most-shallow groundwater measurements, referenced to mean sea level, obtained from the groundwater monitoring wells required by this Discharge Permit. The groundwater elevation contour map shall depict the groundwater flow direction based on the groundwater elevation contours. The permittee shall estimate groundwater elevations between monitoring well locations using common interpolation methods and shall use a contour interval appropriate to the data, but the interval shall, in no case, be greater than two feet. Groundwater elevation contour maps shall depict the groundwater flow direction, using arrows, based on the orientation of the groundwater elevation contours, and the location and identification of each monitoring well and contaminant source. The permittee shall submit the groundwater elevation contour map to NMED in the quarterly monitoring reports. [Subsection A of 20.6.2.3107 NMAC]
22.	NMED shall have the option to perform downhole inspections of all monitoring wells identified in this Discharge Permit. NMED shall establish the inspection date and provide at least a 60-day notice to the permittee by certified mail. The permittee shall have any existing dedicated pumps removed at least 48 hours prior to NMED inspection to allow adequate settling time of sediment agitated from pump removal. Should the permittee decide to install pumps in any of the monitoring wells, the permittee shall notify NMED at least 90 days prior to pump installation so that a downhole well inspection(s) can be scheduled prior to pump placement. [Subsections A and D of 20.6.2.3107 NMAC]

Facility Monitoring Conditions

#	**Terms and Conditions**
23.	The permittee shall measure the totalized monthly volume of treated wastewater discharged from the treatment facility each month using a primary measuring device (equipped with head sensing, totalizing and chart recording/data logging mechanisms) located after the ultraviolet disinfection unit. The permittee shall submit the totalized discharge volumes for each month to NMED in the quarterly monitoring reports. [Subsection A of 20.6.2.3107 NMAC, Subsections C and H of 20.6.2.3109 NMAC]
24.	The permittee shall measure the monthly volume of reclaimed domestic wastewater discharged to each re-use location using a totalizing flow meter. The meter shall be located on the transfer line between the WWTF and the re-use location(s). The permittee shall, for each re-use location, maintain a log that records the date that discharges occur to the location, monthly totalizing meter readings, and units of measurement. The log(s) shall be used to calculate the total monthly volume of reclaimed domestic wastewater discharged to each location. The monthly volume discharged to *each* location shall be used on the LADS to calculate nitrogen loading for that specific location. A copy of the log(s) shall be submitted to NMED in the quarterly monitoring reports. [Subsection A of 20.6.2.3107 NMAC, Subsections C and H of 20.6.2.3109 NMAC]
25.	All flow meters shall be capable of having their accuracy verified under actual working (field) conditions. A field verification method shall be developed for each flow meter and that method shall be used to check the accuracy of each respective meter. Field calibrations shall be performed upon repair or replacement of a flow measurement device and, at a minimum, once within 90 days of the effective date of this Discharge Permit (**by DATE**) and then every other year thereafter. Each flow meter shall be calibrated to its manufacturer's recommended specifications which shall be no less accurate than within plus or minus 10 percent of actual flow, as measured under field conditions. Field calibrations shall be performed by an individual knowledgeable in flow measurement and in the installation/operation of the particular device in use. A flow meter calibration report shall be prepared for each flow measurement device at the frequency calibration is required. The flow meter calibration report shall include the following information. a) The location and meter identification. b) The method of flow meter field calibration employed. c) The measured accuracy of each flow meter prior to adjustment indicating the positive or negative offset as a percentage of actual flow as determined by an in-field calibration check. d) The measured accuracy of each flow meter following adjustment, if necessary, indicating the positive or negative offset as a percentage of actual flow of the meter. e) Any flow meter repairs made during the previous year or during field calibration.

#	**Terms and Conditions**
	The permittee shall maintain records of flow meter calibration(s) at a location accessible for review by NMED during facility inspections. [Subsection A of 20.6.2.3107 NMAC, Subsections C and H of 20.6.2.3109 NMAC]
26.	The permittee shall visually inspect flow meters on a monthly basis for evidence of malfunction. If a visual inspection indicates a flow meter is not functioning as required by this Discharge Permit, the permittee shall repair or replace the meter within 30 days of discovery. For *repaired* meters, the permittee shall submit a report to NMED with the next monitoring report following the repair that includes a description of the malfunction, a statement verifying the repair and a flow meter field calibration report completed in accordance with the requirements of this Discharge Permit. For *replacement* meters, the permittee shall submit a report to NMED with the next monitoring report following the replacement that includes a design schematic for the device and a flow meter field calibration report completed in accordance with the requirements of this Discharge Permit. [Subsection A of 20.6.2.3107 NMAC, Subsection C of 20.6.2.3109 NMAC]
27.	The permittee shall collect samples of treated wastewater after the ultraviolet disinfection unit on a quarterly basis and analyze the samples for: • TKN; • NO_3-N; • TDS; and • Cl. Samples shall be properly prepared, preserved, transported, and analyzed in accordance with the methods authorized in this Discharge Permit. The permittee shall submit analytical results to NMED in the quarterly monitoring reports. [Subsection A of 20.6.2.3107 NMAC, Subsections C and H of 20.6.2.3109 NMAC]
28.	During any two-week period that the discharge of reclaimed domestic wastewater occurs, the permittee shall perform the following analyses on reclaimed domestic wastewater samples collected after the ultraviolet disinfection unit using the following sampling method and frequency: • E. coli bacteria: grab sample at peak daily flow once per week; • BOD_5: six-hour composite sample once per two weeks; • TSS: six-hour composite sample once per two weeks; and • UV transmissivity values: record whenever bacteria samples are collected. Samples shall be properly prepared, preserved, transported, and analyzed in accordance with the methods authorized in this Discharge Permit. The permittee shall submit analytical results and a copy of the log of UV transmissivity values to NMED in the quarterly monitoring reports.

#	Terms and Conditions
	[Subsection A of 20.6.2.3107 NMAC, Subsections B, C and H of 20.6.2.3109 NMAC, NMSA 1978, § 74-6-5.D]
29.	The permittee shall complete LADS (copy enclosed) on a monthly basis that document the amount of nitrogen applied to each re-use location during the most recent 12 months. The LADS shall reflect the total nitrogen concentration from the most recent wastewater analysis and the measured discharge volumes to each re-use location for each month. The LADS shall be completed with information above or shall include a statement that application of wastewater did not occur. The LADS shall be submitted to NMED in the quarterly monitoring reports. [Subsection A of 20.6.2.3107 NMAC, Subsection C of 20.6.2.3109 NMAC]
30.	Records of solids disposal, including a copy of all Discharge Monitoring Reports (i.e., DMRs) required to be submitted to the EPA pursuant to 40 CFR 503 for the previous calendar year, shall be submitted to NMED annually in the monitoring report due by August 1st each year. [Subsection A of 20.6.2.3107 NMAC]

C. CONTINGENCY PLAN

#	Terms and Conditions
31.	In the event that groundwater monitoring indicates that a groundwater quality standard identified in Section 20.6.2.3103 NMAC is exceeded, the permittee shall collect a confirmatory sample from the monitoring well within 15 days of receipt of the initial sampling results to confirm the initial sampling results. Within 60 days of confirmation of groundwater contamination, the permittee shall submit to NMED a Corrective Action Plan that proposes, at a minimum, source control measures and an implementation schedule. The Plan shall be implemented by the permittee as approved by NMED. Once invoked (whether during the term of this Discharge Permit, or after the term of this Discharge Permit and prior to the completion of the Discharge Permit closure plan requirements), this condition shall apply until the permittee has fulfilled the requirements of this condition and groundwater monitoring confirms for a minimum of eight consecutive quarterly samples that the standards in 20.6.2.3103 NMAC are not exceeded in groundwater. If a groundwater standard continues to be violated 180 days after the confirmation of groundwater contamination, the NMED may require the permittee to abate water pollution

#	**Terms and Conditions**
	consistent with the requirements and provisions of Section 20.6.2.4101, Section 20.6.2.4103, Subsections C and E of 20.6.2.4106, Section 20.6.2.4107, Section 20.6.2.4108, and Section 20.6.2.4112 NMAC. [Subsection A of 20.6.2.3107 NMAC, Subsection E of 20.6.2.3109 NMAC]
32.	In the event that information available to NMED indicates that a well is not constructed in a manner consistent with the attachment titled *Groundwater Discharge Permit Monitoring Well Construction and Abandonment Guidance*, Revision 1.1, March 2011; contains insufficient water to effectively monitor groundwater quality; or is not completed in a manner that is protective of groundwater quality, the permittee shall install a replacement well(s) within 120 days following notification from NMED. The permittee shall survey the replacement monitoring well(s) within 30 days following installation of the well(s). Replacement well locations shall be approved by NMED prior to installation and completed in accordance with the attachment titled *Groundwater Discharge Permit Monitoring Well Construction and Abandonment Guidance*, Revision 1.1, March 2011. The permittee shall submit construction and lithologic logs, survey data, and a groundwater elevation contour map to NMED within 60 days following well completion. Upon completion of the replacement monitoring well, permittee shall properly plug and abandon the monitoring well requiring replacement. The permittee shall complete the well plugging, abandonment, and documentation of the abandonment procedures in accordance with the attachment titled *Groundwater Discharge Permit Monitoring Well Construction and Abandonment Guidance*, Revision 1.1, March 2011, and all applicable local, state, and federal regulations. The permittee shall submit well abandonment documentation to NMED within 60 days of completion of well plugging activities. [Subsection A of 20.6.2.3107 NMAC]
33.	In the event that groundwater flow information obtained pursuant to this Discharge Permit indicates that a monitoring well is not located hydrologically downgradient of the discharge location it is intended to monitor, the permittee shall install a replacement well within 120 days following notification from NMED. The permittee shall survey the replacement monitoring well within 30 days following well installation. NMED shall approve replacement well locations prior to installation and the permittee shall complete the wells in accordance with the attachment titled *Groundwater Discharge Permit Monitoring Well Construction and Abandonment Guidance*, Revision 1.1, March 2011. The permittee shall submit construction and lithologic logs, survey data and a groundwater elevation contour map within 30 days following the updated well survey.

#	**Terms and Conditions**
	[Subsection A of 20.6.2.3107 NMAC]
34.	In the event that analytical results of a quarterly treated wastewater sample indicate an exceedance of the total nitrogen discharge limit set in Condition 6 of this Discharge Permit, the permittee shall collect and submit for analysis a second sample within 48 hours of the receipt of the initial sampling results. In the event the second sample results indicate that the discharge limit is continuing to be exceeded, the permittee shall enact the following contingency plan. a) Within 7 days of the second sample analysis date indicating that the discharge limit is continuing to be exceeded, the permittee shall: i) notify NMED that the contingency plan is being enacted; and ii) submit a copy of the first and second analytical results indicating an exceedance to NMED. b) The permittee shall increase the frequency of total nitrogen wastewater sampling and analysis of treated wastewater to once per month. c) The permittee shall examine the operation and maintenance log, required by the Record Keeping conditions of this Discharge Permit, for improper operational procedures. d) The permittee shall conduct a physical inspection of the treatment system to detect abnormalities. The permittee shall correct any abnormalities discovered and submit a report to the NMED detailing the corrections made within 30 days of correction. e) In the event that any analytical results from monthly wastewater sampling indicate an exceedance of the total nitrogen discharge limit, the permittee shall propose to modify operational procedures and/or upgrade the treatment process to achieve the total nitrogen limit by submitting a Corrective Action Plan to NMED for approval. The Plan shall include a schedule for completion of corrective actions and shall be submitted within 90 days of the permittee's receipt of the analytical results of the second sample date indicating that the discharge limit is continuing to be exceeded. The permittee shall initiate implementation of the Plan following approval by NMED. When analytical results from three consecutive months of wastewater sampling do not exceed the discharge limit, the permittee is authorized to return to a quarterly monitoring frequency. [Subsection A of 20.6.2.3107 NMAC, Subsection C of 20.6.2.3109 NMAC]
35.	In the event that analytical results of a reclaimed domestic wastewater sample indicate an exceedance of any of the maximum discharge limits for BOD_5, TSS, or E. coli bacteria set by this Discharge Permit, the permittee shall collect and submit for analysis a second sample within 24 hours after becoming aware of the exceedance. In the event the second sample results indicate that any maximum discharge limit is continuing to be exceeded (i.e., confirmed exceedance), the contingency plan below shall be enacted. **AND / OR**

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	In the event that analytical results of a reclaimed domestic wastewater sample indicate an exceedance of any of the 30-day average discharge limits for BOD_5, TSS, or E. coli bacteria set by this Discharge Permit (i.e., confirmed exceedance), the contingency plan below shall be enacted. <u>Contingency Plan</u> a) Within 24 hours of becoming aware of a confirmed exceedance (as identified above), the permittee shall: i) notify NMED that the contingency plan is being enacted; and ii) submit copies of the recent analytical results indicating an exceedance to NMED. b) If the E. coli bacteria **maximum limit** is exceeded, the permittee shall immediately cease discharging reclaimed domestic wastewater to the re-use area(s). c) The permittee shall examine the operation and maintenance log, required by the Record Keeping conditions of this Discharge Permit, for improper operational procedures. d) The permittee shall conduct a physical inspection of the treatment system to detect abnormalities. The permittee shall correct any abnormalities discovered and submit a report to the NMED detailing the corrections made within 30 days of correction. When the analytical results from samples of reclaimed domestic wastewater, sampled as required by this Discharge Permit, no longer indicate an exceedance of any of the maximum discharge limits, the permittee may resume discharging reclaimed domestic wastewater to the re-use area(s). If a facility is required to enact the contingency plan more than two times in a 12-month period, the permittee shall propose to modify operational procedures and/or upgrade the treatment process to achieve consistent compliance with the maximum and 30-day average discharge limits by submitting a Corrective Action Plan for NMED approval. The Plan shall include a schedule for completion of corrective actions and shall be submitted within 60 days following receipt of the analytical results confirming the exceedance. The permittee shall initiate implementation of the Plan following approval by NMED. Prior to recommencing discharge to the re-use area, additional sampling of any stored reclaimed domestic wastewater may be required by NMED in response to the submitted Corrective Action Plan. [Subsection A of 20.6.2.3107 NMAC, Subsection C of 20.6.2.3109 NMAC]
36.	In the event that the LADS show that the amount of nitrogen in wastewater applied in any 12-month period exceeds 200 pounds per acre, the permittee shall propose the reduction of nitrogen loading to the re-use area(s) by submitting a Corrective Action Plan to NMED for approval. The Plan shall include a schedule for completion of corrective actions and

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	shall be submitted within 90 days following the end of the monitoring period in which the exceedance occurred. The permittee shall initiate implementation of the Plan following approval by NMED. [Subsection A of 20.6.2.3107 NMAC, Subsection C of 20.6.2.3109 NMAC]
37.	In the event that a release (commonly known as a "spill") occurs that is not authorized under this Discharge Permit, the permittee shall take measures to mitigate damage from the unauthorized discharge and initiate the notifications and corrective actions required in Section 20.6.2.1203 NMAC and summarized below. Within 24 hours following discovery of the unauthorized discharge, the permittee shall verbally notify NMED and provide the following information. a) The name, address, and telephone number of the person or persons in charge of the facility, as well as of the owner and/or operator of the facility. b) The name and address of the facility. c) The date, time, location, and duration of the unauthorized discharge. d) The source and cause of unauthorized discharge. e) A description of the unauthorized discharge, including its estimated chemical composition. f) The estimated volume of the unauthorized discharge. g) Any actions taken to mitigate immediate damage from the unauthorized discharge. Within one week following discovery of the unauthorized discharge, the permittee shall submit written notification to NMED with the information listed above and any pertinent updates. Within 15 days following discovery of the unauthorized discharge, the permittee shall submit a corrective action report/plan to NMED describing any corrective actions taken and/or to be taken relative to the unauthorized discharge that includes the following information. a) A description of proposed actions to mitigate damage from the unauthorized discharge. b) A description of proposed actions to prevent future unauthorized discharges of this nature. c) A schedule for completion of proposed actions. In the event that the unauthorized discharge causes or may with reasonable probability cause water pollution in excess of the standards and requirements of Section 20.6.2.4103 NMAC, and the water pollution will not be abated within 180 days after notice is required to be given pursuant to Paragraph (1) of Subsection A of 20.6.2.1203 NMAC, the NMED may require the permittee to abate water pollution pursuant to Sections 20.6.2.4000 through 20.6.2.4115 NMAC.

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	Nothing in this condition shall be construed as relieving the permittee of the obligation to comply with all requirements of Section 20.6.2.1203 NMAC. [20.6.2.1203 NMAC]
38.	In the event that NMED or the permittee identifies any failures of the discharge plan or this Discharge Permit not specifically noted herein, NMED may require the permittee to submit a Corrective Action Plan and a schedule for completion of corrective actions to address the failure(s). Additionally, NMED may require a Discharge Permit modification to achieve compliance with 20.6.2 NMAC. [Subsection A of 20.6.2.3107 NMAC, Subsection E of 20.6.2.3109 NMAC]

D. CLOSURE PLAN

Permanent Facility Closure Conditions

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39.	In the event the facility, or a component of the facility, is proposed to be permanently closed, the permittee shall perform the following closure measures. Within 90 days of ceasing to discharge to the treatment system, the permittee shall complete the following closure measures. a) The line leading to the system shall be plugged so that a discharge can no longer occur. b) The permittee shall evaporate or drain the wastewater in the system and dispose of it in accordance with all local, state, and federal regulations, or discharge it from the system to the re-use area as authorized by this Discharge Permit. This permit does not authorize the discharge of accumulated solids (sludge) to the re-use area(s). c) Solids removed from the treatment system shall be contained, transported, and disposed of in accordance with all local, state, and federal regulations, including 40 CFR Part 503. The permittee shall maintain a record of all solids transported for off-site disposal. Within 180 days of ceasing to discharge to the treatment system (or unit), the permittee shall complete the following closure measures. a) Remove all lines leading to and from the treatment system, or permanently plug them and abandon them in place. b) Remove or demolish all treatment system components, and re-grade area with suitable fill to blend with surface topography, promote positive drainage, and prevent ponding. The permittee shall continue groundwater monitoring until the requirements of this

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	condition have been met and groundwater monitoring confirms for a minimum of eight consecutive quarterly groundwater sampling events that the standards of Section 20.6.2.3103 NMAC are not exceeded in groundwater. If monitoring results show that a groundwater quality standard in Section 20.6.2.3103 NMAC is exceeded, the permittee shall implement the contingency plan required by Condition 31 of this Discharge Permit. Following notification from NMED that post-closure monitoring may cease, the permittee shall plug and abandon the monitoring well(s) in accordance with the attachment titled *Groundwater Discharge Permit Monitoring Well Construction and Abandonment Guidance*, Revision 1.1, March 2011. When the permittee has met all closure and post-closure requirements and verified with date stamped photographic evidence, or an NMED inspection, the permittee may submit a written request, with the photographic evidence, for termination of the Discharge Permit to NMED. [Subsection A of 20.6.2.3107 NMAC, Subsection D of 20.6.2.4103 NMAC, 40 CFR Part 503]

E. GENERAL TERMS AND CONDITIONS

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40.	RECORD KEEPING - The permittee shall maintain a written record of the following: • information and data used to complete the application for this Discharge Permit; • any releases (commonly known as "spills") not authorized under this Discharge Permit and reports submitted pursuant to 20.6.2.1203 NMAC; • the operation, maintenance, and repair of all facilities/equipment used to treat, store, or dispose of wastewater; • facility record drawings (plans and specifications) showing the actual construction of the facility and bear the seal and signature of a licensed New Mexico professional engineer; • copies of monitoring reports completed and/or submitted to NMED pursuant to this Discharge Permit; • the volume of wastewater or other wastes discharged pursuant to this Discharge Permit; • groundwater quality and wastewater quality data collected pursuant to this Discharge Permit; • copies of construction records (well log) for all groundwater monitoring wells required to be sampled pursuant to this Discharge Permit;

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	• records of inspections, disposal, repairs and any other documents required by this Discharge Permit • the maintenance, repair, replacement, or calibration of any monitoring equipment or flow measurement devices required by this Discharge Permit; and • data and information related to field measurements, sampling, and analysis conducted pursuant to this Discharge Permit, including the following: o the dates, locations, and times of sampling or field measurements; o the name and job title of the individuals who performed each sample collection or field measurement; o the sample analysis date of each sample; o the name and address of the laboratory, and the name of the signatory authority for the laboratory analysis; o the analytical technique or method used to analyze each sample or collect each field measurement; o the results of each analysis or field measurement, including raw data; o the results of any split, spiked, duplicate, or repeat sample; and o a copy of the laboratory analysis chain-of-custody as well as a description of the quality assurance and quality control procedures used. The permittee shall maintain the written records at a location accessible during a facility inspection by NMED for a period of at least five years from the date of application, report, collection, or measurement and shall be made available to the department upon request. [Subsections A and D of 20.6.2.3107 NMAC]
41.	INSPECTION and ENTRY - The permittee shall allow inspection by NMED of the facility and its operations that are subject to this Discharge Permit and the WQCC regulations. NMED may, upon presentation of proper credentials, enter at reasonable times upon or through any premises in which a water contaminant source is located or in which are located any records required to be maintained by regulations of the federal government or the WQCC. The permittee shall allow NMED to have access to and reproduce for their use any copy of the records, and to perform assessments, sampling, or monitoring during an inspection for the purpose of evaluating compliance with this Discharge Permit and the WQCC regulations. Nothing in this Discharge Permit shall be construed as limiting in any way the inspection and entry authority of NMED under the WQA, the WQCC Regulations, or any other local, state, or federal regulations. [Subsection D of 20.6.2.3107 NMAC, NMSA 1978, §§ 74-6-9.B and 74-6-9.E]

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42.	DUTY to PROVIDE INFORMATION - The permittee shall, upon NMED's request, allow for NMED's inspection/duplication of records required by this Discharge Permit and/or furnish to NMED copies of such records. [Subsection D of 20.6.2.3107 NMAC]
43.	MODIFICATIONS and/or AMENDMENTS - In the event the permittee proposes a change to the facility or the facility's discharge that would result in a change in the volume discharged; the location of the discharge; or in the amount or character of water contaminants received, treated, or discharged by the facility, the permittee shall notify NMED prior to implementing such changes. The permittee shall obtain approval (which may require modification of this Discharge Permit) by NMED prior to implementing such changes. [Subsection C of 20.6.2.3107 NMAC, Subsections E and G of 20.6.2.3109 NMAC]
44.	PLANS and SPECIFICATIONS - In the event the permittee is proposing to construct a wastewater system or change a process unit of an existing system such that the quantity or quality of the discharge will change substantially from that authorized by this Discharge Permit, the permittee shall submit construction plans and specifications to NMED for approval of the proposed system or process unit prior to the commencement of construction. In the event the permittee implements changes to the wastewater system authorized by this Discharge Permit that result in only a minor effect on the character of the discharge, the permittee shall report such changes (including the submission of record drawings, where applicable) as of January 1st and June 30th of each year to NMED. [Subsections A and C of 20.6.2.1202 NMAC, NMSA 1978, §§ 61-23-1 through 61-23-32]
45.	CIVIL PENALTIES - Any violation of the requirements and conditions of this Discharge Permit, including any failure to allow NMED staff to enter and inspect records or facilities, or any refusal or failure to provide NMED with records or information, may subject the permittee to a civil enforcement action. Pursuant to WQA 74-6-10(A) and (B), such action may include a compliance order requiring compliance immediately or in a specified time, assessing a civil penalty, modifying or terminating the Discharge Permit, or any combination of the foregoing; or an action in district court seeking injunctive relief, civil penalties, or both. Pursuant to WQA 74-6-10(C) and 74-6-10.1, civil penalties of up to $15,000 per day of noncompliance may be assessed for each violation of the WQA 74-6-5, the WQCC Regulations, or this Discharge Permit, and civil penalties of up to $10,000 per day of noncompliance may be assessed for each violation of any other provision of the WQA, or any regulation, standard, or order adopted pursuant to such other provision. In any action to enforce this Discharge Permit, the permittee waives any objection to the admissibility as evidence of any data generated pursuant to this Discharge Permit.

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	[20.6.2.1220 NMAC, NMSA 1978, §§ 74-6-10 and 74-6-10.1]
46.	CRIMINAL PENALTIES - No person shall: • make any false material statement, representation, certification, or omission of material fact in an application, record, report, plan, or other document filed, submitted, or required to be maintained under the WQA; • falsify, tamper with, or render inaccurate any monitoring device, method, or record required to be maintained under the WQA; or • fail to monitor, sample, or report as required by a permit issued pursuant to a state or federal law or regulation. Any person who knowingly violates or knowingly causes or allows another person to violate the requirements of this condition is guilty of a fourth degree felony and shall be sentenced in accordance with the provisions of NMSA 1978, § 31-18-15. Any person who is convicted of a second or subsequent violation of the requirements of this condition is guilty of a third degree felony and shall be sentenced in accordance with the provisions of NMSA 1978, § 31-18-15. Any person who knowingly violates the requirements of this condition or knowingly causes another person to violate the requirements of this condition and thereby causes a substantial adverse environmental impact is guilty of a third degree felony and shall be sentenced in accordance with the provisions of NMSA 1978, § 31-18-15. Any person who knowingly violates the requirements of this condition and knows at the time of the violation that he is creating a substantial danger of death or serious bodily injury to any other person is guilty of a second degree felony and shall be sentenced in accordance with the provisions of NMSA 1978, § 31-18-15. [20.6.2.1220 NMAC, NMSA 1978, §§ 74-6-10.2.A through 74-6-10.2.F]
47.	COMPLIANCE with OTHER LAWS - Nothing in this Discharge Permit shall be construed in any way as relieving the permittee of the obligation to comply with any other applicable federal, state, and/or local laws, regulations, zoning requirements, nuisance ordinances, permits, or orders. [NMSA 1978, § 74-6-5.L]
48.	RIGHT to APPEAL - The permittee may file a petition for review before the WQCC on this Discharge Permit. Such petition shall be in writing to the WQCC within thirty days of the receipt of postal notice of this Discharge Permit and shall include a statement of the issues to be raised and the relief sought. Unless a timely petition for review is made, the decision of NMED shall be final and not subject to judicial review. [20.6.2.3112 NMAC, NMSA 1978, § 74-6-5.O]

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49.	TRANSFER of DISCHARGE PERMIT - Prior to the transfer of any ownership, control, or possession of this facility or any portion thereof, the permittee shall: • notify the proposed transferee in writing of the existence of this Discharge Permit; • include a copy of this Discharge Permit with the notice; and • deliver or send by certified mail to NMED a copy of the notification and proof that the proposed transferee received the notification. Until both ownership and possession of the facility is transferred to the transferee, the permittee shall continue to be responsible for any discharge from the facility. [20.6.2.3111 NMAC]
50.	PERMIT FEES - Payment of permit fees is due at the time of Discharge Permit approval. Permit fees shall be paid in a single payment or shall be paid in equal installments on a yearly basis over the term of the Discharge Permit. Single payments shall be remitted to NMED no later than 30 days after the Discharge Permit effective date. Initial installment payments shall be remitted to NMED no later than 30 days after the Discharge Permit effective date; subsequent installment payments shall be remitted to NMED no later than the anniversary of the Discharge Permit effective date. Permit fees are associated with issuance of this Discharge Permit. Nothing in this Discharge Permit shall be construed as relieving the permittee of the obligation to pay all permit fees assessed by NMED. A permittee that ceases discharging or does not commence discharging from the facility during the term of the Discharge Permit shall pay all permit fees assessed by NMED. An approved Discharge Permit shall be suspended or terminated if the facility fails to remit an installment payment by its due date. [Subsection F of 20.6.2.3114 NMAC, NMSA 1978, § 74-6-5.K]